

RUCHELL CINQUE MAGEE,  
Plaintiff,

v.

DIRECTOR CALIFORNIA  
DEPARTMENT OF CORRECTIONS  
AND REHABILITATION, et al.,

Defendants.

Case No. [18-cv-04518-WHO \(PR\)](#)

**ORDER OF DISMISSAL**

Dkt. No. 9

Plaintiff Magee has not complied with this Court's order to file an application to proceed *in forma pauperis* ("IFP"). Accordingly, this federal civil rights action is DISMISSED (without prejudice) for failure to comply with the Court's order and for failure to prosecute, *see* Federal Rule of Civil Procedure 41(b). Because this dismissal is without prejudice, Magee may move to reopen the action. Any motion to reopen must be accompanied by a properly completed IFP application or payment for the full filing fee of \$400.00.

Magee's motion to supplement his complaint is DENIED. (Dkt. No. 9.) He may refile this motion after he has filed a complete IFP application or paid the \$400.00 filing fee.

The Clerk shall terminate Dkt. No. 9, enter judgment in favor of defendants, and close the file.

**IT IS SO ORDERED.**

**Dated:** October 29, 2018

  
WILLIAM H. ORRICK  
United States District Judge